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Hon. A. Kathleen Tomlinson  
United States District Court Eastern District of New York  
100 Federal Plaza  
Central Islip, NY 11722

July 12, 2013

Re: Chapas v. Avco Indus., Inc., et al.  
Case No. 12-CV-0683

Dear Judge Tomlinson,

This Office represents, Rene Chapas, the Plaintiff in the above referenced case. I write to request a 90-day extension of the dates set forth in the February 12, 2013 Scheduling Order. This is the first request to extend any of those dates.

As the court is aware, the parties have exchanged discovery demands and responses. Additionally, depositions of two witnesses noticed by Plaintiff have been scheduled for August 5 and 6 (Defendants and/or their counsel had no availability in July) and the parties anticipate scheduling the remaining three witnesses shortly. However, several items of discovery are the subject of an ongoing dispute. Most recently, by letter motion dated May 1, 2013, Plaintiff moved to compel compliance with the court's February 12 order. On June 17, the court issued an order directing Defendants to produce certain documents that were the subject of the May 1 motion. Defendants have not yet produced the deposition transcripts from the *Torres* case, the affidavit concerning the HandPunch manuals nor the affidavit of Defendants' accountant as required by the June 17 Order, which, pursuant to the Court's July 2 Order endorsing Mr. Breen request for a ten-day extension, were due July 8.<sup>1</sup>

In light of the foregoing, Defendant's counsel and I agreed to request, during the previously scheduled conference on June 9, a 90-day extension of the February 12 Scheduling Order. However, that conference was adjourned because of the pending cross-motions for reconsideration. Thus, on June 9, I sent Defendants' counsel a draft letter application for the extension. This morning, however, Mr. Breen advised that he was on vacation and could not consent to the extension until he discussed it with his client after he returned from vacation on July 23. I advised him that I would make the application today without awaiting his return.

Respectfully,  
THE LAW OFFICE OF RALPH A. SOMMA

  
Ralph A. Somma  
RAS/pc  
via ECF

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<sup>1</sup> The disclosure of Avco's customers is the subject of our cross-motions to reconsider.